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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,542	05/22/2001	Robert Alan Reeves	STEV-109	1268

7590 05/04/2005

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EXAMINER

CHANG, VICTOR S

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/862,542

Applicant(s)

REEVES ET AL.

Examiner

Victor S. Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005 and 31 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 6-24 is/are pending in the application.
- 4a) Of the above claim(s) 9-15 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,6,17,20 and 21 is/are allowed.
- 6) ☒ Claim(s) 1,7,8,16,18,19 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. The Examiner has carefully considered Applicants' amendments and remarks filed on 3/16/2005 and 1/31/2005. Applicants' amendments to claims 1 and 2 have been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Rejections not maintained are withdrawn. In particular, Applicants' argument "routine screening of pressure sensitive adhesives for melting point temperatures and compatibility with the polyolefin resin used to mold the polyolefin object is not complex nor does it require lengthy experimentation." (Remarks, page 8, first full paragraph) is persuasive. The rejections under 35 USC 112 in sections 5 and 6 of Office action dated 11/17/2004 are withdrawn.

Rejections Based on Prior Art

4. Claims 1, 7, 8, 16, 18, 19 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsura et al. (US 5223315) in view of Noguchi et al. (US 5606356), generally as set forth in section 7 of Office action dated 11/17/2004, together with the following response to argument.

Applicants' argument "Katsura et al. ... discloses the use of a hot melt adhesive layer 4 on the label. The adhesive layer 4, however, is not a top layer, but instead, is

used to bond the label to the plastic part formed during the blow molding ... Applicants; claim recite a top layer that overlies the direct-image array of indicia ... In Katsura et al, the adhesive layer overlies a mirror image indicia layer ...” (Remarks, pages 8-9 bridging paragraph and first full paragraph at page 9) has been carefully considered, but is not persuasive. In particular, the term “direct-image” fails to exclude symmetric images, or images free of alphanumeric letters. As such, the Examiner maintains that the Katsura in view of Noguchi render the instant invention obvious as claimed.

With respect to Applicants’ argument “Noguchi et al. discloses that ink jet printing on paper includes solvent inks which contain a dye and a “solid component like a wax and a polymeric component”. The purpose of including wax in the ink composition is to prevent running and strike through of the ink ... That an ink containing wax is useful in ink jet printing does not suggest the use of such ink for a completely unrelated application, i.e., in a transfer, particularly a transfer which is printed on a plastic film, not on paper.” (Remarks, pages 9-10, bridging paragraph), the Examiner notes that since Katsura expressly teaches that layer 3 is a print layer, and Noguchi is directed to an ink for printing, Noguchi is clearly a pertinent art, and their combination is proper. In particular, nowhere does Katsura teach away from ink jet printing, and Noguchi expressly teaches that it is known art that in order to prevent running and strike-through of the ink and to keep the printed image quality by adjustment of the ink formulation, a solid component like a wax and a polymeric compound is added to the ink with the dye component, as such the Examiner repeats that it would have been obvious to one of ordinary skill in the art of transfer label to modify Katsura’s printing ink with a

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hydrocarbon wax, as taught by Noguchi, motivated by the desire to obtain an improved printed image quality, Applicants' argument to the contrary notwithstanding. Finally, the Examiner notes that Applicants also appears to be arguing that ink jet printing is not suitable for printing a transfer label, the Examiner notes that in the absence of factual support, Attorney's argument cannot takes of evidence.

Allowable Subject Matter

8. Claims 2, 6, 17, 20 and 21 are allowed.

In particular, it is noted claim 2 has been amended in independent form including all of the limitations of the base claim and any intervening claims. It is noted that Kastura lacks a teaching of a backing coat of a pressure sensitive layer between the indicia layer and carrier layer. The backing coat of a pressure sensitive layer is neither taught, nor suggested by Kastura.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S. Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H. Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VSC
Victor S Chang
Examiner
Art Unit 1771

4/26/2005


TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700